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Remarks

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks.

Claims 1, 6-7, 10-12, 15, and 17-21 are currently pending. Claims 5, 8-9 and 23 have been canceled. Claims 1, 6, and 15 have been amended. No new matter has been inserted. Support for the amendment of claim 1 can be found at least in claim 5, in Figures 2, 4, and 6, and in the specification at page 6, lines 17-18. Support for the amendment of claim 15 can be found at least in Figures 2, 4, and 6. Claim 6 was simply amended to clarify its dependency.

In the Action, the Examiner has objected to the drawings under 37 CFR 1.83(a), indicating that every feature of the invention specified in the claims must be shown in the drawings. Specifically, the Examiner requested drawings showing the features of claims 8 and 23. While not conceding the Examiner's objection, claims 8 and 23 have been canceled. Applicants respectfully request that this rejection be withdrawn.

35 USC § 112

Claims 8 and 9 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

While not conceding the correctness of the Examiner's rejection, in the interest of advancing prosecution, Applicants have canceled claims 8 and 9. Applicants respectfully request that this rejection be withdrawn.

Claims 8 and 9 were also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

While not conceding the correctness of the Examiner's rejection, in the interest of advancing prosecution, Applicants have canceled claims 8 and 9. Applicants respectfully request that this rejection be withdrawn.

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35 USC § 102

Claims 1, 5 and 10-12 were rejected under 35 U.S.C. § 102(b) as anticipated by Etesse (EP Patent Application No. 630,822). Applicants respectfully traverse this rejection.

Etesse discloses flexible pouches and methods for making the same. However, Etesse fails to disclose or suggest "a reinforcing structure comprising one layer of additional material, the reinforcing structure attached to the bag adjacent to the handle, the reinforcing structure having a vertical length less than the first and second sidewalls", as required by claim 1. Therefore, Etesse fails to anticipate or suggest the invention of claim 1. As claims 5 and 10-12 are dependent on claim 1, they are also not anticipated or suggested. Applicants respectfully request that this rejection be withdrawn.

Claims 1, 5-7, 15 and 23 were rejected under 35 U.S.C. § 102(b) as anticipated Onishi (JP 0023955). Applicants respectfully traverse this rejection.

Onishi discloses a bag with an opening part formed to the upper part thereof. However, Onishi fails to disclose or suggest "a reinforcing structure comprising one layer of additional material, the reinforcing structure attached to the bag adjacent to the handle, the reinforcing structure having a vertical length less than the first and second sidewalls" as required by claim 1. Further, Onishi fails to disclose a "handle having an oblong shape" and "wherein the handle is adjacent to one corner and the pouring region is adjacent to the oppositely disposed corner" as required by claim 1. Therefore, Onishi fails to anticipate or suggest the invention of claim 1. As claims 5-7 and 23 are dependent on claim 1, they are also not anticipated or suggested.

Similarly, Onishi fails to disclose "an oblong hole to form a handle" and "the handle being adjacent one corner, and located entirely on an opposite side of the vertical centerline from the pouring region" as required by claim 15. Therefore, Onishi fails to anticipate or suggest the invention of claim 15. Applicants respectfully request that this rejection be withdrawn.

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Weisberg, US 3,521,807. Applicants respectfully traverse this rejection.

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35 USC § 103

Claims 6-7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Etesse and Onishi. Applicants respectfully traverse this rejection.

Etesse discloses flexible pouches and methods for making the same. However, Etesse fails to disclose or suggest "a reinforcing structure comprising one layer of additional material, the reinforcing structure attached to the bag adjacent to the handle, the reinforcing structure having a vertical length less than the first and second sidewalls", as required by claim 1.

Onishi fails to cure the deficiencies of Etesse. Onishi discloses a bag with an opening part formed to the upper part thereof. However, Onishi fails to disclose or suggest "a reinforcing structure comprising one layer of additional material, the reinforcing structure attached to the bag adjacent to the handle, the reinforcing structure having a vertical length less than the first and second sidewalls" as required by claim 1. Therefore, the combination of Etesse and Onishi fails to render claim 1 obvious. As claims 6-7 are dependent on claim 1, they are also not rendered obvious.

With regard to claim 15, Applicants assert that the Examiner has failed to establish a *prima facie* case of obviousness. Applicants note that in order to establish a *prima facie* case of obviousness, that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings without hindsight to the claimed invention. See *In re Vaeck*, 20 USPQ2d (Fed. Cir. 1991); MPEP § 2143 *et seq.*

In this case, the required suggestion or motivation is absent and therefore the Examiner has failed to establish a *prima facie* case. There is simply no suggestion or motivation to combine a ring from the hole 10 of Onishi with the handle 9 of Etesse to form an "oblong hole to form a handle" and "a reinforcing ring attached to the bag and positioned within the hole defined by the handle region" as required by claim 15. Onishi shows a hole 10 with a ring. As shown in figures 4 and 9 of Onishi, a device 11 is inserted into the hole 10 with the ring. However, Onishi also shows a handle 13. Importantly, the handle 13 of Onishi does not include any sort of ring (see figures 4 and 9). Therefore, Onishi does not provide any suggestion or motivation to

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combine the references to result in an "oblong hole to form a handle" and "a reinforcing ring attached to the bag and positioned within the hole defined by the handle region" as required by claim 15. Similarly, Etesse provides no motivation to combine the references. Etesse discloses that "the flexible pouch has a handle (9) to ease its manipulation." However, nothing in Etesse provides a suggestion or motivation to include a reinforcing ring with the handle.

Therefore, at least because there is no suggestion or motivation to combine Onishi with Otesse, the references fail to render the invention of claims 15 obvious. For at least these reasons, Applicants respectfully request that this rejection be withdrawn.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

12/16/05
Date



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